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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/803,046

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Steve B. Owens

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EXAMINER

STRONCZER, RYAN S

ART UNIT

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2425

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/803,046	Applicant(s) OWENS ET AL.	
	Examiner Ryan Stronczer	Art Unit 2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 22 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the claim language fails to provide a basis for the recited limitation that “the second coaxial cable is the first coaxial cable.” As the first and second coaxial cables recited in claim 21 are respectively connecting the first decoder with the first modulator and the second decoder with the second modulator, it is unclear how a single cable could be sufficient to provide both recited connections between the four connected devices.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norcott et al. and further in view of Ahmad et al. and Fish et al.

As to claim 21, the rejection of now-canceled claims 1 and 20 set forth in the previous Office Action is incorporated herein. Norcott teaches a system for providing multiple users in a facility access to multimedia content stored remotely from the location in said the content is being accessed. Fig. 1 of Norcott teaches a “content and administration server” including storage for content media, said server being equivalent to the recited data stream source.

As to the recited first and second decoders, Fig. 1 of Norcott teaches multiple computer terminals (Fig. 1/element **64**) which can simultaneously access content from the content database (col. 5/50-56) and suggests that content can be delivered to multiple media players (col. 1/46-48), but does not explicitly teach a method for incorporating additional decoders as a means to access content at multiple media players. In an analogous art, Fig. 2 of Ahmad teaches a system in which a controller and a user interface (communications module **216**) control multiple decoders (ICM **206**) connected to television monitors. As Norcott suggests the possibility of delivering content to multiple media players, it would have been obvious to one skilled in the art at the time of the invention to modify the system of Norcott with the multiple decoders taught by Ahmad to distribute content to multiple users.

As to the recited first and second modulators in communication with the first and second decoders, respectively, Fig. 1 of Norcott teaches a TV Modulator **50** which receives video content from A/V I/O **48**. Norcott teaches that AV I/O 48 contains “multi-

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channel PCI computer digital video decoder cards...to provide analog audio and video to [RF] television and video monitors, such as represented by 60" (col. 4/21-25). As the combination of Norcott and Ahmad teaches the recited multiple decoders, it would have been obvious to one of ordinary skill in the art at the time of the invention for each of the multiple decoders to have an associated modulator. As to the limitation that the first and second modulators communicate with their respective decoders using a coaxial cable, Norcott teaches that *"communications channel 14 may be a coaxial cable...a dedicated Internet line...a telephone line capable of transmitting modem or voice signals, a wireless, cellular, or other RF channel, or any other communications channel..."* (Col 4, Lines 32-37). It would have been obvious to one of ordinary skill in the art at the time of the invention that the first and second modulator could be connected to their respective decoders by a coaxial cable, such connection being extremely well-known and widely-practiced in the art at the time of the invention.

As to the recited controller, the content and administration server taught by Fig. 1 of Norcott includes a processor and input/output components for interfacing with system users and selecting the media content to be delivered to each user. As to the recited limitation that the controller communicates with the first and second decoder using an infrared signal, the combination of Norcott and Fish, as analyzed in the previous Office Action teaches the recited functionality.

As to claim 23 which recites, "a combiner in communication with the first and second modulators and operable to combine the first and second analog signals into a combined analog signal," Fig. 7a and 7b of Ahmad teach that audio/video module **214**

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contains a plurality of modulators, the output of which are sent to a combiner and combined into one modulated signal.

As to claim 24, the rejection of claim 23 is incorporated herein. Further, Fig. 7a and 7b of Ahmad teach that audio/video module **214** contains a plurality of modulators, the output of which are sent to a combiner and combined into one modulated signal which is then distributed to the plurality of decoders **206**.

As to claims 25 and 26, the rejection of claims 23 and 24 are incorporated herein. Further, Ahmad teaches:

In the present invention, out of the 43 channels available for transmission, channels 1 through 13 are used to provide local channels, satellite channels, or local cable channels. Out of the remaining 29 channels, some (typically 5) are allocated to broadcast the information generated by the system of the present invention and the rest are allocated to transmit the signals generated by the audio/video sources and the video graphics controller...Audio/video module 600 includes audio/video Sources 602, video graphics controller 604, baseband switching matrix 606, RF modulator groups 610, and RF combiners 612...[e]ach modulator group can include any number of individual modulators, and typically include 25 individual modulators. One individual modulator is allocated to every channel. Individual modulators modulate the signal at their input according to the frequency requirements of their respective channels. (col. 8/1-47)

The combined teachings of Norcott in view of Ahmad when considered as a whole teach a plurality of data files or stream combined into a single modulated signal which is transmit to a plurality of television receivers through a coaxial cable network wherein each television (equivalent to the recited media player) can select any of the available media streams by selecting the channel on which said media stream is carried in the combined and modulated signal.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Stronczer whose telephone number is (571) 270-3756. The examiner can normally be reached on 7:30 AM - 5:00 PM (EDT), Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on (571) 272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan Stronczer/
Examiner, Art Unit 2425

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425